

C.S.S.C.R. 14, Providing symbolic redress in the case of Chipita Rodriguez.

The resolution was read second time and was adopted.

RECORD OF VOTE

Senator Blake asked to be recorded as voting "Nay" on the adoption of the resolution.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 181 - By Henderson: Commending Matthew Curts Odam.

S.R. 186 - By Sharp: Extending welcome to Dr. Oscar Hall, Jr., Capitol Physician for the Day.

S.R. 187 - By Harris: Extending welcome to students from Glenwood Middle School, Dallas.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:01 o'clock p.m. adjourned in memory of the Honorable Bill D. Wood, former Member of the Texas House of Representatives and Texas Senate, until 11:00 o'clock a.m. tomorrow.

THIRTY-SEVENTH DAY (Thursday, March 14, 1985)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sims, Traeger, Truan, Uribe, Whitmire, Williams.

Absent-excused: Glasgow, Sharp, Washington.

A quorum was announced present.

Senator Roy Blake offered the invocation as follows:

Our Heavenly Father, we pause once again to give thanks to Thee for another day. We also want to thank You for being with us through the first half of this session and ask that Thy continued guidance be with us as we enter into the last half of the session. We ask that You would be with us as different Members go to their districts this weekend and see us safely back. We ask these things in Thy name, for Christ's sake. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Sharp was granted leave of absence for today on account of the death of his mother on motion of Senator Traeger.

Senator Glasgow was granted leave of absence for today on account of important business on motion of Senator Edwards.

Senator Washington was granted leave of absence for today on account of illness on motion of Senator Whitmire.

MESSAGE FROM THE HOUSE

House Chamber
March 14, 1985

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 275, Relating to certain time limits and recording requirements for the payment of state vouchers.

H.B. 718, Relating to the notice of change of nursing home administrators.

The House refused to concur in Senate amendments to **H.B. 443** and has requested the appointment of a Conference Committee to consider the differences between the two Houses.

House Conference Committee on **H.B. 443**: Tejeda; Chairman, Madla, Pierce, Sutton, Schoolcraft.

H.B. 330, Relating to the continuation of the temporary emergency relief program.

H.C.R. 113, Congratulating Allen Labay, Superintendent of the Cypress-Fairbanks ISD.

H.C.R. 4, Expressing support of the goal of a smokeless teenage society by the year 2000.

H.C.R. 6, Directing state agencies to cooperate in the implementation of recommendations of the Legislative Task Force on Cancer in Texas.

H.C.R. 8, Commending hospitals, clinical laboratories, and cancer treatment centers for their past participation in the cancer registry.

H.C.R. 9, Encouraging community cancer care facilities to assess current services and projected needs.

H.C.R. 36, Granting Herzog Contracting Corporation permission to sue the state.

S.C.R. 6, Requesting acceleration of federal research efforts regarding control and eradication of fire ants.

S.C.R. 45, Commend the oncology faculties at The University of Texas Health Science Center Medical School at Houston, The University of Texas Health Science Center Medical School at San Antonio, The University of Texas Health...

S.B. 27, Relating to the repeal of certain legal provisions concerning the lease or sale of a county hospital.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

REPORTS OF STANDING COMMITTEES

Senator Farabee submitted the following report for the Committee on State Affairs:

S.J.R. 21
S.B. 652
S.B. 675 (Amended)
S.B. 911 (Amended)
S.B. 493 (Amended)

Senator Santiesteban submitted the following report for the Committee on Natural Resources:

C.S.S.B. 618

Senator Jones submitted the following report for the Committee on Finance:

S.B. 838
S.B. 662
S.B. 442
S.B. 353
S.B. 232

Senator Parker submitted the following report for the Committee on Education:

S.B. 726

SENATE BILLS AND RESOLUTIONS ON FIRST READING

On motion of Senator Sarpalius and by unanimous consent, the following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.B. 1236 by Brooks State Affairs
Relating to the procedure by which the Department of Public Safety adopts certain rules.

S.B. 1237 by Sims Natural Resources
Relating to standard fill and quantity labeling for commodities in package form.

S.B. 1238 by Howard Economic Development
Relating to the regulation of certain insurance agents, health maintenance organizations, prepaid legal agents, and insurance adjusters.

S.B. 1239 by Sharp, Traeger Economic Development
Relating to certain exceptions from regulation under the Private Investigators and Private Security Agencies Act.

S.B. 1240 by Blake Natural Resources
Relating to meetings of the Egg Marketing Advisory Board.

S.B. 1241 by Mauzy Criminal Justice
Relating to the creation of an offense for assault upon elderly persons, blind persons, or persons suffering from a disability.

S.B. 1242 by Glasgow Intergovernmental Relations
Relating to the amendment of jurisdiction and operation of County Court at Law, and County Court at Law No. 2, of Denton County, and creating County Court at Law No. 3 of Denton County, Texas, and setting uniform, identical, concurrent, and conforming jurisdiction and operational characteristics for all three of said courts.

S.C.R. 75 by Edwards Administration
Creating a special interim committee to study the issue of State agency administrative costs.

S.C.R. 76 by Sarpalius Natural Resources
Establishing an interim study committee to monitor the further progress of events relating to Texas' consideration for a high-level nuclear waste repository.

S.C.R. 77 by Sarpalius Natural Resources
Memorializing the United States Congress to reject the proposal to reduce federal soil and water resource conservation services.

S.C.R. 78 by Edwards Education
Directing the State Board of Education to adopt rules for simplifying and reducing the number of written reports and the amount of other paperwork required by the Central Education Agency from a school district.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and referred to the Committee indicated:

H.B. 8, To Committee on Criminal Justice.

H.B. 260, To Committee on Intergovernmental Relations.

H.B. 374, To Committee on Education.

H.B. 449, To Committee on Health and Human Resources.

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 61

On motion of Senator Parker and by unanimous consent, Senator Brooks will be shown as Co-author of **S.C.R. 61**.

CO-AUTHOR OF SENATE BILL 324

On motion of Senator Caperton and by unanimous consent, Senator Brown will be shown as Co-author of **S.B. 324**.

CO-AUTHORS OF SENATE BILL 924

On motion of Senator Parker and by unanimous consent, Senators Glasgow and Mauzy will be shown as Co-author of **S.B. 924**.

CO-AUTHOR OF SENATE BILL 1103

On motion of Senator Barrientos and by unanimous consent, Senator Truan will be shown as Co-author of **S.B. 1103**.

CO-AUTHOR OF SENATE BILL 1239

On motion of Senator Sharp and by unanimous consent, Senator Traeger will be shown as Co-author of **S.B. 1239**.

SENATE RESOLUTION 193

Senator Brown offered the following resolution:

WHEREAS, The Senate of the State of Texas wishes to declare March 17, 1985, as Crib Death Research Foundation Day; and

WHEREAS, Founded in April of 1984, the Crib Death Research Foundation was formed in Houston, Texas, by Mr. Rick Poppe who suffered the devastating loss of his child almost seven years ago due to crib death; and

WHEREAS, The cause of crib death, also known as sudden infant death syndrome, remains an enigma yet to be understood by the medical profession; it

is the hope of the active members and numerous volunteers of the Crib Death Research Foundation that, through the raising of sufficient funds, successful research can be conducted into the causes of this phenomenon; and

WHEREAS, The foundation has raised \$1,000 towards its goal of \$50,000 for 1985, and donations are now being received on a daily basis; and

WHEREAS, On March 17, 1985, the St. Patrick's Day Festival, which Mr. Poppe has organized for the past 10 years, will be held in Houston as a fundraiser for the Crib Death Research Foundation; through auction, ticket, and concession sales, the Festival is expected to raise \$10,000; and

WHEREAS, Within the next two years this worthy fund-raising event is to be transformed into a telethon for the Crib Death Research Foundation; and

WHEREAS, Many concerned and dedicated individuals continue to give unselfishly of their time and energies towards finding the cause or causes of crib death; especially active in the Foundation are Mr. Patrick Poppe, founder; Mr. Jerry Lyles, managing director; and board members, Dr. Robert Mendelsohn, Dr. Kevin Geraghty, Paul Berlin, Jackie Dryden, Jim Walker, Larry Mercer, Bob Quinn, Lee Parker, Mark Clark, Bettie Olson, and Robert Sobel; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 69th Legislature, declare March 17, 1985, Crib Death Research Foundation Day and extend its best wishes to all those involved in the annual St. Patrick's Day Festival in reaching the expected goal of \$10,000; and, be it further

RESOLVED, That a copy of this Resolution be prepared for this distinguished foundation as a token of the admiration of the Texas Senate.

The resolution was read and was adopted.

GUESTS PRESENTED

Senator Brown escorted Bob Quinn and Bettie Olson to the President's Rostrum.

The President presented them an enrolled copy of S.R. 193.

SENATE CONCURRENT RESOLUTION 61

Senator Parker offered the following resolution:

WHEREAS, Through the dedication and hard work of public officials, private citizens, and educators across Texas, the "A. M. Aikin Chair Fund" has been able to endow two chairs at The University of Texas in honor of the late Senator A. M. Aikin, Jr.; and

WHEREAS, The first endowed education chairs at the university, these chairs in teaching/research for public education and teaching/research for community college education are a fitting tribute to the man who is recognized as the father of public education in Texas; and

WHEREAS, Combining the best attributes of a visionary and a practical politician, Senator Aikin helped bring the Texas educational system into the 20th Century through the passage of the landmark Gilmer-Aikin legislation; and

WHEREAS, A man of great courage and conviction, Senator Aikin strove mightily to ensure equal educational opportunities for all Texas children; and

WHEREAS, Besides his overriding concern for the children of Texas, Senator Aikin was a devoted friend of the educators of this state and a strong proponent of increased pay for teachers and a strong teacher retirement system; and

WHEREAS, Beloved by his legislative colleagues and known as the conscience of the Senate, Senator Aikin served the legislature longer than any other individual in the state's history; and

WHEREAS, Through generous donations to the Aikin Fund by this esteemed gentleman's many friends and matching funds from the Permanent University

Fund, the Aikin chairs became a concrete reality and an appropriate memorial to the life and service of the Honorable A. M. Aikin, Jr.; now, therefore, be it

RESOLVED, That the Legislature of the State of Texas hereby recognize the creation and establishment of the Aikin chairs as a permanent and lasting tribute to Senator A. M. Aikin, Jr.

PARKER
HOWARD
MAUZY
BROOKS

The resolution was read.

On motion of Senator Brooks and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Parker and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.

GUESTS PRESENTED

Senators Howard and Mauzy expressed their pleasure for the opportunity to have participated in acquiring the Aikin chairs.

The President introduced Bobby Aikin, Dr. Loren Kennamer, Dean of the College of Education, The University of Texas, and Dr. Louis Williams of Paris Junior College and presented them with an enrolled copy of S.C.R. 61.

MESSAGE FROM THE HOUSE

House Chamber
March 14, 1985

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 65, Relating to filling certain vacancies on the Legislative Budget Board, Legislative Library Board, or Legislative Audit Committee.

S.B. 172, Relating to the membership of the Southern Regional Education Compact.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

GUEST PRESENTED

Senator Sarpalius was recognized and presented Dr. John Green of Amarillo, Capitol Physician for the Day.

The Senate welcomed Dr. Green and expressed their appreciation to him.

CONFERENCE COMMITTEE ON HOUSE BILL 443

Senator Traeger called from the President's table for consideration at this time the request of the House for a Conference Committee to adjust the differences between the two Houses on H.B. 443 and moved that the request be granted.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on **H.B. 443** before appointment.

There were no motions offered.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Traeger, Chairman; Sims, Krier, McFarland, Leedom.

SENATE BILL 576 REREFERRED

On motion of Senator Brooks and by unanimous consent, **S.B. 576** was withdrawn from the Committee on State Affairs and rereferred to the Committee on Health and Human Resources.

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President announced the time had arrived to consider the Executive appointments to agencies, boards and commissions. Notice of submission of these names for consideration was given yesterday by Senator Howard.

Senator Howard moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The President asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

The following nominees as reported by the Committee on Nominations were confirmed by the following vote: Yeas 27, Nays 0.

Absent: Edwards.

Absent-excused: Glasgow, Sharp, Washington.

Member, Texas Aeronautics Commission: **WALTER UMPHREY**, Jefferson County.

Member, Board of Regents, Texas State University System: **ED M. LONGCOPE**, Hays County.

Member, Advisory Council on Community Affairs: **SAM D. SEALE**, Jackson County.

Commissioner, Department of Labor and Standards: **ALLEN ROSS PARKER, SR.**, Harris County.

Member, Upper Neches River Municipal Water Authority: **BEN SWINNEY**, Anderson County.

Member, Parks and Wildlife Commission: **EDWIN L. COX, JR.**, Henderson County.

MOTION TO PLACE COMMITTEE SUBSTITUTE SENATE BILL 305 ON SECOND READING

Senator Jones moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 305, Relating to regulation of opticians; providing a penalty.

The motion was lost by the following vote: Yeas 10, Nays 17.

Yeas: Barrientos, Blake, Brooks, Farabee, Harris, Jones, McFarland, Mauzy, Santiesteban, Uribe.

Nays: Brown, Caperton, Henderson, Howard, Kothmann, Krier, Leedom, Lyon, Montford, Parker, Parmer, Sarpalius, Sims, Traeger, Truan, Whitmire, Williams.

Absent: Edwards.

Absent-excused: Glasgow, Sharp, Washington.

HOUSE BILL 448 ON SECOND READING

Senator Krier moved to suspend the regular order of business to take up for consideration at this time:

H.B. 448, Relating to the creation of, jurisdiction of, and method of selection of judges and presiding judges for the municipal courts of record in San Antonio and to court clerks for those courts.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Mauzy.

Absent-excused: Glasgow, Sharp, Washington.

The bill was read second time and was passed to third reading.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the bill to third reading.

HOUSE BILL 448 ON THIRD READING

Senator Krier moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 448** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Mauzy.

Absent-excused: Glasgow, Sharp, Washington.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 1. (Same as previous roll call)

SENATE BILL 111 ON SECOND READING

On motion of Senator Sarpalius and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 111, Relating to the term "intoxicated" as that term is used in defining the offenses of driving while intoxicated and involuntary manslaughter involving the use of a motor vehicle, to the availability of pretrial diversion programs for persons charged with those offenses, and to the liability of certain persons who take blood samples used in the prosecution of those offenses.

The bill was read second time.

Senator Sarpalius offered the following committee amendment to the bill:
Committee Amendment No. 1

Amend **S.B. 111**:

Delete new language in SECTION 4 of the bill in lines 6-9 of page 6.

The committee amendment was read.

Senator Sarpalius offered the following substitute amendment to Committee Amendment No. 1:

Floor Amendment No. 1

Amend **S.B. 111** by striking Section 4 of the bill and adding a new Section 4 to read as follows and renumbering the existing Section 5 and subsequent sections accordingly:

SECTION 4: Subsection (a), Section 10, Article 42.12, Code of Criminal Procedure, 1965, as amended, is amended to read as follows:

(a) For the purpose of providing adequate probation services, the district judge or district judges trying criminal cases in each judicial district in the state shall establish a probation office and employ, in accordance with standards set by the commission, district personnel as may be necessary to conduct presentence investigations, supervise and rehabilitate probationers, and enforce the terms and conditions of misdemeanor and felony probation. The district judge or judges may authorize district personnel to operate programs for the supervision and rehabilitation of persons in pretrial diversion programs. Persons in pretrial diversion programs may be supervised for a period not to exceed 12 months and may be assessed a supervisory fee or a program fee, or both, provided the maximum fees do not exceed a total of \$200.00. If a person charged with an offense under Section 19.05(a)(2), Penal Code, or Article 67011-1, Revised Statutes, participates in a pretrial diversion program, the judge authorizing the participation shall report that fact to the director of the Texas Department of Public Safety. On conviction of a subsequent offense the fact that the defendant previously participated in the pretrial diversion program is admissible on the issue of penalty. If two or more judicial districts serve a county, or a district has more than one county, one district probation department shall serve all courts and counties in the districts. However, the adult probation commission may adopt rules to allow more than one probation department in a judicial district with more than one county if providing more than one probation department will promote administrative convenience or economy or improve probation services. The district judge or judges may direct the probation department to establish and maintain a restitution center under this subsection. The district judge or judges may enter into an agreement with the judge or judges of other districts for the purpose of establishing a regional restitution center. If a restitution center is established, the district judge or judges shall appoint a community advisory council to advise the probation department in its establishment and maintenance of the center.

The amendment was read and was adopted.

Question on the adoption of Committee Amendment No. 1 as substituted, Committee Amendment No. 1 as substituted was adopted.

Senator Sarpalius offered the following committee amendment to the bill: Committee Amendment No. 2

Amend **S.B. 111** by inserting a new SECTION 3 to read as follows and renumbering the remaining SECTION accordingly:

SECTION 3. Article 49.03, Code of Criminal Procedure, 1965, is amended to read as follows:

"Article 49.03. AUTOPSIES AND TESTS. The justice of the peace may in all cases call in the County Health Officer, or if there be none or if his services are not then obtainable, then a duly licensed and practicing physician, and shall procure

their opinions and their advice on whether or not to order an autopsy to determine the cause of death. If upon his own determination he deems an autopsy necessary, or if he is requested to order an autopsy by the district attorney, criminal district attorney, or if there is no district or criminal district attorney, by the county attorney, the justice of the peace shall, by proper order, request the County Health Officer, or if there be none or if it be impracticable to secure his service, then some duly licensed and practicing physician who is trained in pathology to make an autopsy in order to determine the cause of death, and whether death was from natural causes or resulting from violence, and the nature and character of either of them. The county in which such autopsy is ordered shall pay the physician making such autopsy a reasonable fee. The Commissioners Court may authorize payment for transportation of the body within this state for the performance of an autopsy ordered by a justice of the peace. In those cases where a complete autopsy is deemed unnecessary by the officers authorized by this article to request an autopsy, the justice of the peace may by proper order, order the taking of blood samples or any other samples of fluids, body tissues, or organs in order to ascertain the cause of death or whether any crime has been committed, or to obtain evidence of alcohol concentration or the presence of controlled substances or drugs. In the case of a body of a human being whose identity is unknown, the justice of the peace may, by proper order, authorize such investigative and laboratory tests and processes as are required to determine the identity as well as the cause of death.

The committee amendment was read and was adopted.

On motion of Senator Sarpalius and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 111 ON THIRD READING

Senator Sarpalius moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 111 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Glasgow, Sharp, Washington.

The bill was read third time and was passed.

SENATE BILL 251 ON SECOND READING

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 251, Relating to courtrooms, office space, equipment, and supplies for justices of the peace.

The bill was read second time.

Senator McFarland offered the following amendment to the bill:

Floor Amendment No. 1

Amend **S.B. 251** by striking SECTION 1 in its entirety and substituting in lieu thereof the following:

SECTION 1. Section 1a, Chapter 622, Acts of the 62nd Legislature, Regular Session, 1971 (Article 3912k, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1a. In addition to the compensation and expenses provided for in Section 1 of this Act, upon the request of a justice of the peace handling an average of more than 50 cases per month during the 12 months immediately preceding the request, the commissioners court of each county, at the beginning of the next fiscal year, shall [may] furnish suitable office space [;] and the [equip with] necessary telephones [telephone], equipment, and supplies[, a suitable courtroom and office space] for such [each] justice of the peace in the county. The commissioners court may also provide a suitable courtroom for each justice of the peace."

The amendment was read and was adopted.

On motion of Senator Williams and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 251 ON THIRD READING

Senator Williams moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 251 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Glasgow, Sharp, Washington.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 533 ON SECOND READING

On motion of Senator McFarland and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 533, Relating to certain technical corrections and miscellaneous amendments to certain provisions of the Texas Business Corporation Act, as amended, the Texas Miscellaneous Corporation Laws Act, as amended, the Texas Non-Profit Corporation Act, as amended, and the Texas Professional Corporation Act, as amended, including those pertaining to indemnification of directors and officers by business and nonprofit corporations, the officers of corporations, the execution of documents, authorized shares, determination of net assets and surplus, directors and boards of directors, mergers, foreign corporations, dissolution of corporations, meetings; providing a penalty; amending the Texas Business Corporation Act, as amended, by amending Subdivision (4) of Section A and Sections B, G, H, J, M, P, Q, and R, Article 2.02-1; Section B, Article 2.10; Section A, Article 2.12; Article 2.13; Sections B and E, Article 2.17; Section A, Article 2.19; Subsection (2), Section E, Article 2.22; Section A, Article 2.36; Section A, Article 2.42; Section B, Article 4.03; Section A, Article 4.04; Section D, Article 4.07; Section B, Article 4.10; Section B, Article 4.11; Section B, Article 4.12; Section A, Article 5.04; Section B, Article 5.16; Section A, Article 6.06; Section A, Article 8.01; Section A, Article 8.02; Section B, Article 8.05; Section B, Article 8.09; and Section B, Article 8.14; and by adding Section D, Article 2.34; Article 2.35-1; and Article 10.02; amending the Texas Miscellaneous Corporation Laws Act, as amended (Article 1302, Vernon's Texas Civil Statutes), by amending Section A, Article 1302-2.08; and Article 1302-7.01; and repealing Articles 1302-6.25 and 1302-6.26; and amending the Texas Non-Profit Corporation Act, as amended (Article 1396, Vernon's Texas Civil Statutes), by adding Articles 1396-2.22A and 1396-9.11 and repealing Article 1396-2.22; and amending Section 14 of the Texas Professional Corporation Act, as amended (Article 1528e, Vernon's Texas Civil Statutes).

The bill was read second time.

Senator McFarland offered the following amendment to the bill:

Amend **C.S.S.B. 533** by striking lines 66 through 70 on page 15 of the printed bill and by striking line 1 on page 16 of the printed bill.

The amendment was read and was adopted.

On motion of Senator McFarland and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 533 ON THIRD READING

Senator McFarland moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 533** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Glasgow, Sharp, Washington.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 112 ON SECOND READING

Senator Mauzy asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 112, Relating to investigations of, disciplinary measures against, and certain conditions of employment of peace officers.

There was objection.

Senator Mauzy then moved to suspend the regular order of business and take up **C.S.S.B. 112** for consideration at this time.

The motion prevailed by the following vote: Yeas 18, Nays 8.

Yeas: Barrientos, Brooks, Edwards, Henderson, Kothmann, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sims, Truan, Uribe, Whitmire, Williams.

Nays: Blake, Brown, Harris, Howard, Jones, Krier, Leedom, Traeger.

Absent: Caperton, Farabee.

Absent-excused: Glasgow, Sharp, Washington.

The bill was read second time and was passed to engrossment.

RECORD OF VOTES

Senators Harris, Brown, Howard and Parker asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

MEMORIAL RESOLUTIONS

S.R. 188 - By Montford: Memorial resolution for O. L. Byrd.

S.R. 189 - By Montford: Memorial resolution for Roy Forkner.

S.R. 190 - By Montford: Memorial resolution for Bass Elliott.

S.R. 191 - By Montford: Memorial resolution for A. L. Standefer.

CONGRATULATORY RESOLUTIONS

S.R. 192 - By Montford: Extending congratulations to the Permian Panthers from Permian High School, Odessa.

S.R. 194 - By Truan: Extending congratulations to Mrs. Antonia S. Alvarez.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:07 o'clock p.m. adjourned in memory of Mrs. Venus Sharp, mother of Senator John Sharp, until 11:00 o'clock a.m. Monday, March 18, 1985.

APPENDIX

Sent to Governor
(March 14, 1985)

S.C.R. 67

Signed by Governor
(March 13, 1985)

S.B. 2 (Effective immediately)

THIRTY-EIGHTH DAY

(Monday, March 18, 1985)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Washington, Whitmire, Williams.

Absent-excused: Glasgow, Truan, Uribe.

A quorum was announced present.

Senator Bob McFarland offered the invocation as follows:

Heavenly Father, we thank You so much for the opportunity of the new week to serve Your interests, for the beautiful day that awaited us. Give us the grace to always do what is best and most pleasing in Your sight. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 14, 1985 was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Glasgow was granted leave of absence for today on account of important business on motion of Senator Edwards.

Senator Truan was granted leave of absence for today on account of important business on motion of Senator Mauzy.

Senator Uribe was granted leave of absence for today on account of important business on motion of Senator Caperton.